

**GARY SLOTHOWER**  
Claimant

**EXIDE CORPORATION**  
Respondent

**ZURICH AMERICAN INSURANCE GROUP**  
Insurance Carrier

## ORDER

Claimant appeals the Preliminary Hearing Order of Administrative Law Judge Bruce E. Moore dated July 1, 1998, wherein the Administrative Law Judge denied claimant temporary benefits finding that claimant's accidental injury did not arise out of his employment with respondent as the act of untying his bootlace was considered a day-to-day activity.

Did claimant suffer accidental injury arising out of and in the course of his employment with respondent on the date alleged?

The Appeals Board finds that the Order of the Administrative Law Judge sets out findings of fact and conclusions of law in some detail in his five-page preliminary order. The Appeals Board further finds that the decision by the Administrative Law Judge denying claimant benefits and finding that claimant's accidental injury did not arise out of his employment with respondent is appropriate.

K.S.A. 1997 Supp. 44-508(e) defines personal injury and injury as:

[A]ny lesion or change in the physical structure of the body, causing damage or harm thereto, so that it gives way under the stress of the worker's usual labor.

The statute goes on to state that:

An injury shall not be deemed to have been directly caused by the employment where it is shown that the employee suffers disability as a result of the natural aging process or by the normal activities of day-to-day living.

In this instance, claimant's back injury resulted as he was untying his bootlaces. There was no physical demand placed upon claimant's back other than the simple act of untying the boot. The Appeals Board finds that the act of untying one's bootlace would be considered an act of day-to-day living, precluding benefits under K.S.A. 1997 Supp. 44-508(e).

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Bruce E. Moore dated July 1, 1998, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September 1998.

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BOARD MEMBER

c: Patrick W. Neustrom, Salina, KS  
John W. Mize, Salina, KS  
Bruce E. Moore, Administrative Law Judge  
Philip S. Harness, Director